



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 19936833

Date: FEB. 16, 2022

Appeal of New York City, New York Field Office Decision

Form N-600, Application for a Certificate of Citizenship

The Applicant, who was born abroad to unmarried parents, seeks a Certificate of Citizenship to reflect that she derived U.S. citizenship from her father under section 320 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1431. Because the Applicant was born out of wedlock and is claiming derivative citizenship from her naturalized U.S. citizen father she must establish, in part that she qualified as her father's "child"<sup>1</sup> within the meaning of section 320 of the Act and was residing in his legal and physical custody in the United States as a lawful permanent resident before turning 18 years of age.

The Director of the New York City, New York Field Office denied the Form N-600, concluding that the Applicant did not establish the requisite biological relationship with her U.S. citizen father, because the father was not listed on her timely-registered Jamaican birth certificate, and although the Applicant subsequently submitted a copy of the same certificate with the father's information added she did not provide evidence to show when and on what basis her original birth certificate was amended.

On appeal, the Applicant submits DNA test results, which indicate that the probability of her father's paternity is 99.99%. Because the record does not indicate that the Director considered this additional evidence before forwarding the appeal to our office, we will return the matter for the Director to determine whether, in light of the other documentation submitted to establish the relationship, the preponderance of the evidence is now sufficient to establish that the Applicant qualifies as her father's "child" for derivative citizenship purposes and, if so, whether she satisfied the legal and physical custody conditions to derive citizenship from her father under section 320 of the Act.

The Director may request any additional evidence deemed necessary to make these determinations and to adjudicate the Applicant's Form N-600.

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<sup>1</sup> The term "child," as used in section 320 of the Act, encompasses biological children who were born to married parents, as well as those who have been born out of wedlock and later legitimated. Section 101(c)(1) of the Act, 8 U.S.C. § 1101(c)(1). An individual cannot qualify as a "legitimated child" of his or her father unless the evidence of the record establishes that the individual is his or her father's biological child. See *Matter of Bueno-Almonte*, 21 I&N Dec. 1029, 1031 (BIA 1997).

**ORDER:** The decision of the Director is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.